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COMMITTEE ON RELATIONS WITH THE
HOST COUNTRY

LETTER DATED 19 AUGUST 1996 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

I have the honour of addressing myself to you to request that the note verbale enclosed, sent to the United States Mission to the United Nations by the Permanent Mission of Cuba to the United Nations, on 16 August 1996, signed by the Permanent Representative of Cuba to the United Nations, be circulated as an official document of the Committee on Relations with the Host Country (see annex).

The above-mentioned note verbale refers to the item presented by Cuba in the meeting of the Committee, held on 14 May 1996.

(Signed) Bruno RODRÍGUEZ PARRILLA

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ANNEX

[Original: Spanish]

Note verbale dated 16 August 1996 from the Permanent Mission of Cuba to the United Nations addressed to the United States Mission to the United Nations

The Permanent Mission of Cuba to the United Nations presents its compliments to the United States Mission to the United Nations and wishes to refer to the complaint made by Cuba at the meeting of the Committee on Relations with the Host Country held on 14 May 1996 with regard to the placement, by official order of the Mayor of New York City, of a street sign reading "Brothers to the Rescue Corner" on the north-east corner of Lexington Avenue and 38th Street, inside the security area of the Cuban Mission, in the course of an offensive ceremony slandering Cuba and its Permanent Mission which was conducted under the leadership of the senior official of the City.

In notes verbales No. 401, dated 3 May 1996, No. 411, dated 8 May 1996, No. 420, dated 14 May 1996, and No. 473, dated 8 June 1996, the Permanent Mission of Cuba to the United Nations reiterated this complaint to the United States Mission to the United Nations and to the Committee on Relations with the Host Country because, several weeks after that body met, not only had the street sign not been taken down, but a second sign had been put up on the south-west corner on 14 May, at the very time that the Committee on Relations with the Host Country was meeting to consider this matter.

On 1 August 1996, notwithstanding the repeated complaints by the Permanent Mission of Cuba to the United Nations and the many requests made to the authorities of the host country by citizens living in the vicinity of the Mission and by organizations representing various groups within American society to remove these provocative and offensive signs, the sign located on the north-east corner, inside the security area of the Permanent Mission of Cuba, was not taken down but simply moved to the north-west corner of the same intersection.

On 6 August 1996, the lack of seriousness and the inconsistency which marked the behaviour of the competent authorities of the host country was borne out when the street sign on the north-east corner was moved for the second time, to the south-east corner.

The Permanent Mission of Cuba believes that twice changing the location of the street sign formerly placed inside the security area of the Cuban diplomatic mission in no way alleviates the climate of provocation and hostility against the Cuban diplomatic mission which is being fomented by the authorities of the host country, nor does it alter their nature as expressions of political support by the official authorities of the United States for the illegal and terrorist activities of the organization known as "Brothers to the Rescue", which are in violation of international law and the laws of both the United States of America and the Republic of Cuba, as acknowledged even in the relevant documents of the United States Federal Aviation Administration (FAA).

The street signs currently located on the south-east and south-west corners are an affront and a threat to the dignity, integrity, normal functioning and security of the Permanent Mission of Cuba headquarters and to the safety, moral integrity and freedom of movement of its staff, and have already had direct consequences in this regard.

The two signs also constitute irrefutable proof of the flagrant violation by the United States Mission to the United Nations and the competent authorities of the host country of the obligations assumed by the United States of America under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, the Vienna Convention on Diplomatic Relations and other binding legal instruments. These principles are set out in article 22 of the Vienna Convention on Diplomatic Relations (an instrument applicable to United Nations missions under article V, paragraph 4, of the United Nations Headquarters Agreement), paragraph 2 of which states: "The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity."

As the placement of these street signs is an official act by an official authority of the United States, the constitutional right to freedom of expression cannot be invoked.

The Government of the United States of America is responsible for the conduct and actions of its local authorities in so far as the legal obligations of the United States as host country to the United Nations are concerned.

The Permanent Mission of Cuba to the United Nations totally rejects the surprising interpretation contained in the note verbale dated 8 August 1996 from the United States Mission to the United Nations, which considers the matter to be closed.

The Permanent Mission of Cuba to the United Nations once again denounces these acts and strongly demands that these offensive and provocative street signs be removed, thereby reaffirming the contents of its previous notes on this matter.

The consequences that have ensued or may ensue from the decision of the New York City authorities to encourage the activities of terrorist organizations that act against Cuba, its Permanent Mission to the United Nations and the normal functioning of the Organization are and will continue to be the total and sole responsibility of the United States of America.

The Permanent Mission of Cuba to the United Nations takes this opportunity to convey to the United States Mission to the United Nations the renewed assurances of its highest consideration.